

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
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DAVID L. GIST, SR.,

Plaintiff,

v.

5:07-CV-1246

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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THOMAS J. McAVOY  
Senior United States District Judge

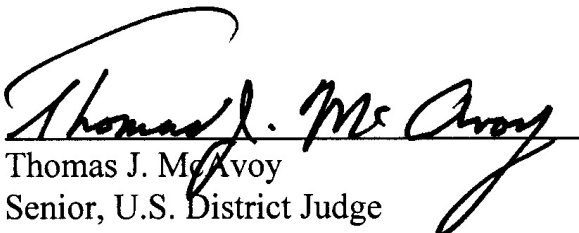
**DECISION and ORDER**

This matter brought pursuant to the Americans with Disabilities Act, 41 U.S.C. § 12101 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the May 27, 2008 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and DISMISSES the petition.

IT IS SO ORDERED.

Dated: September 11, 2008

  
Thomas J. McAvoy  
Senior, U.S. District Judge